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July 16, 2021

**Via CDX and Email**

Evan Belser  
Acting Director, Air Enforcement Division  
U.S. Environmental Protection Agency  
MC 2242A  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Re: *United States v. Orion Engineered Carbons, LLC*, Consent Decree (Case No. 6:17-cv-01660) – Notice of Intent to Assert Claim of Force Majeure – Fifteenth Supplemental Update

Dear Mr. Belser:

Orion Engineered Carbons, LLC (“Orion”) provides this letter in response to EPA’s letters dated April 24, 2020, October 21, 2020, January 25, 2021, and March 18, 2021. EPA’s April 24, 2020 letter requested updates regarding Orion’s March 23, 2020 notice of intent to assert force majeure. EPA’s April 24, 2020 letter requested an initial response within four weeks and supplemental updates every four weeks thereafter. Orion provided its initial response on May 21, 2020 (the “Initial Response”). This letter is Orion’s fifteenth supplemental update.

We ask that you treat the redacted portions in the public version of this submittal as confidential business information (CBI) pursuant to 40 C.F.R. Part 2. Orion’s updated responses to the questions in EPA’s April 24, 2020 letter follow.

**Ivanhoe**

1. *Clarify the meaning of the term, “pollution control projects required by the CD at [] Ivanhoe.”*

No change since Initial Response.

2. *Do the PM Early Warning Systems, baghouses and incineration devices necessary to achieve MACT compliance remain operational?*

No change since Initial Response.

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3. *Are any of Orion's [REDACTED] employees working onsite, and if so, how many?*

[REDACTED]

[REDACTED]

4. *What activities are the employees performing? Are they making carbon black?*

[REDACTED]

5. *Provide any updates received from Defendant's contractors related to COVID-19.*

See response to Question 3.

6. *Provide any updates, orders, or directives from state and local officials related to COVID-19.*

The following is a brief summary of orders affecting Orion issued since the last supplemental update:

**Louisiana**

June 16: Governor Edwards issued a proclamation declaring that the statewide public health emergency due to COVID-19 in Louisiana “continue[s] to exist” and “is by no means over”—including in light of the threat posed by variants of the virus—and that there is still “significant” need for mitigation measures.<sup>1</sup> The Governor

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<sup>1</sup> State of Louisiana, Proclamation No. 117 JBE 2021 (June 16, 2021), *available at* <https://gov.louisiana.gov/assets/Proclamations/2021/117-JBE-2021-State-of-Emergency2.pdf>.

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reiterated several COVID-19 mitigation measures, including recommendations that individuals at higher risk should generally stay at home, and encouraging or in some case requiring the use of face coverings. The order reserves authorities to local governments to issue more restrictive requirements. The declaration also permits private businesses to issue more restrictive COVID-19 mitigation measures on their property. The declaration also directs all state departments and agencies to cooperate in actions that Louisiana takes “in response to the effects of this event.”

June 17: Governor Edwards issued a proclamation renewing several provisions of a prior proclamation (94 JBE 2021) regarding COVID-19, including with respect to certain federal hours limits for operators of commercial vehicles.<sup>2</sup> Additionally, the declaration directs all state departments to cooperate in actions that Louisiana takes “in response to the effects of this event.”

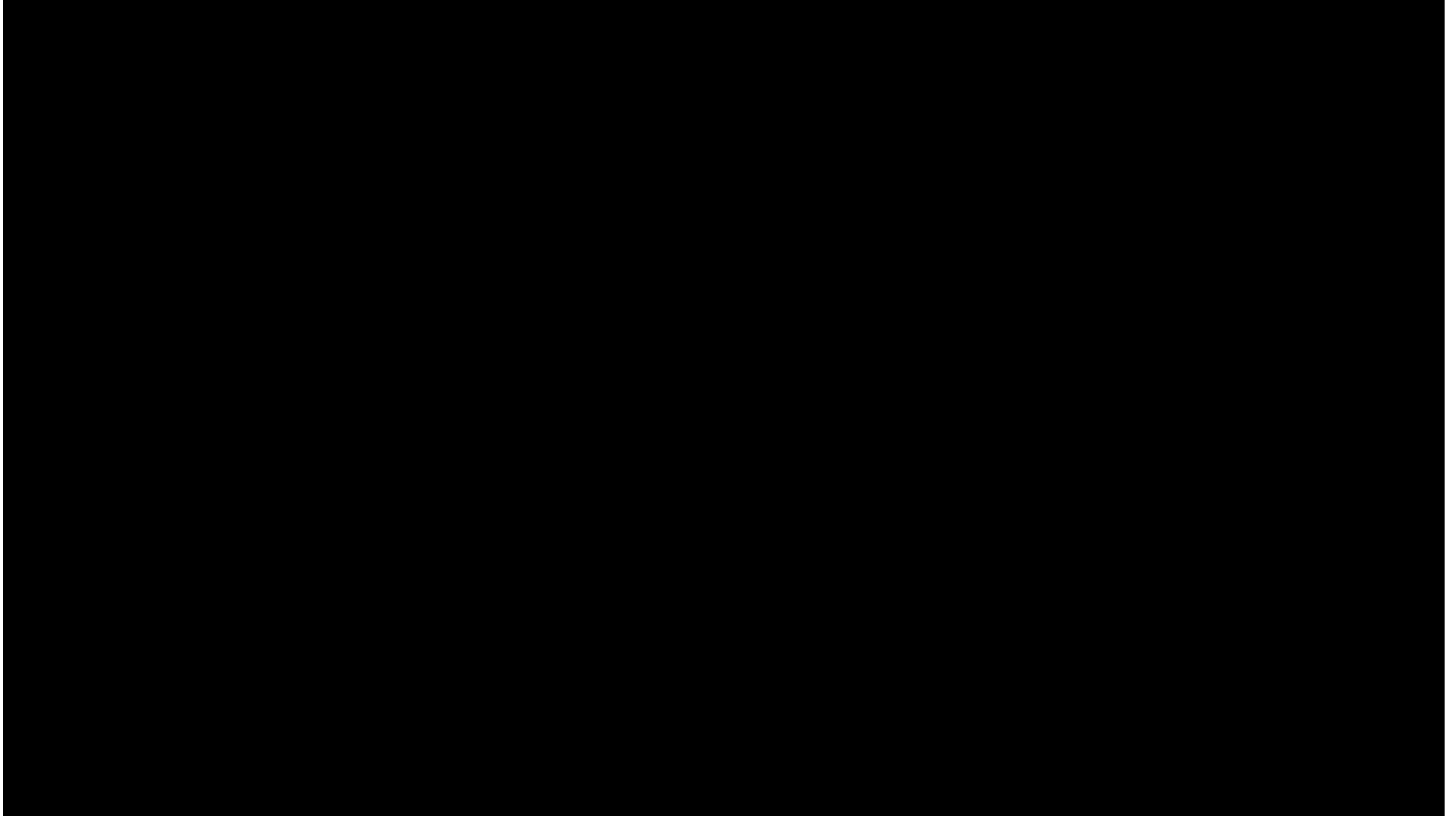
7. *Provide a detailed construction schedule, reflective of the anticipated schedule as of March 1, 2020, (broken out by month), that specifies the work being performed, the number of contractors expected to be on site (noting the name of the company), the anticipated date of arrival of major parts, and any other relevant information.*



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<sup>2</sup> State of Louisiana, Proclamation No. 118 JBE 2021 (June 17, 2021), available at <https://gov.louisiana.gov/assets/Proclamations/2021/118-JBE-2021-State-of-Emergency2.pdf>.

**FIGURE 1**



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**Conclusion**

We are pleased that EPA/DOJ, LDEQ and Orion have reached an agreement to modify the consent decree to reflect the COVID-19 pandemic force majeure event, and we look forward to the lodging of the amendment with the court.

Orion remains committed to working with EPA to fulfill the requirements of the Consent Decree while protecting the health and safety of Orion's employees and contractors. Orion will provide its next update on or before August 13, 2021.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. Painter', is positioned above the printed name of the signatory.

Corning Painter  
Chief Executive Officer  
Orion Engineered Carbons, GmbH

cc: Kellie Ortega, U.S. Environmental Protection Agency  
David Friedland, Beveridge & Diamond, P.C.  
Jason Dunn, U.S. Department of Justice  
Katherine Abend, U.S. Department of Justice  
Celena Cage, Louisiana Department of Environmental Quality  
Brandon Williams, Louisiana Department of Environmental Quality  
Dwana King, Louisiana Department of Environmental Quality